

Serial No. 10/792,050
60130-2045;02MRA0104**REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1-8 are currently pending and stand finally rejected by the Examiner. No new matter has been added. The foregoing amendment and the following remarks place this application in condition for allowance or, in the alternative, in better form for appeal. Entry of this Amendment is therefore respectfully requested.

§ 102 rejection

Claims 1-3, 5-6 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,792,180 to Jacobsen et al. ("Jacobsen"). Applicant respectfully traverses this rejection.

The Office Action asserted that the vinyl tape 56 in Jacobsen is the same as the claimed inner layer. The Office Action also noted that "[a]lthough the claims are interpreted in light of the specification, limitations from the specifications are not read into the claims" (p. 5). Applicant agrees. However, "[w]hen not defined by the applicant in the specification, the words of a claim must be given their plain meaning. In other words, they must be read as they would be interpreted by those of ordinary skill in the art." MPEP § 2111.01. One of ordinary skill in the art would have clearly considered the claimed outer skin as the portion of the car body part exposed to the environment and the inner layer as a car body part that is closer to the car interior simply by virtue of the plain meanings of the words "outer" and "inner."

As noted in the previous response, the vinyl tape 56 shown in Jacobsen cannot be considered an inner layer of a car body part because it is neither a layer attached to an outer skin (e.g., roof panel 12 and sail portion 16) nor is it closer to the car interior than the roof panel 12 or sail portion 16. Instead, as clearly shown in Figure 2, the vinyl tape 56 is a discrete component attached to the exterior surface of the roof panel 12. Thus, the vinyl tape 56 cannot be considered a component of a car body part or an inner layer.

Moreover, as noted in the previous response, vinyl tape is not foamed plastic. The cross section shown in Figure 2 clearly shows that the vinyl tape 56 is a solid, unfoamed adhesive component (col. 2, lines 54-57). Nothing in Jacobsen remotely suggests that the vinyl tape 56 can be made of foamed plastic. Moreover, with respect to claim 3, there is no way that vinyl tape 56 can apply any pressure to the roof panel 12 or sail portion 16 so that it deforms. As is known in

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the art, vinyl tape is very flexible; thus, it is impossible for the vinyl tape to exert any pressure on the roof panel 12 or sail portion 16, much less sufficient pressure to deform the roof panel 12 or sail portion 16. The vinyl tape adhesive 56 is used only to attach a molding 42 to a gap 36 between the roof panel 12 and the sail portion 16 (col. 2, lines 54-63) and not deform any roof component.

Because Jacobson fails to show a car body part having an outer skin and an inner layer made of foamed plastic, Jacobsen fails to anticipate claims 1-3, 5-6 and 8. Withdrawal of the rejection is therefore respectfully requested.

§ 103 rejection

Claims 4 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobsen in view of ordinary skill in the art. Applicant respectfully traverses this rejection. The Office Action asserted that it would have been obvious to reinforce the inner layer with glass fiber. Applicant respectfully disagrees. As noted in the previous response, any attempts to improve the performance of the vinyl tape will be focused on improving its adhesion abilities, not the strength of the tape material itself. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 4 and 7, and withdrawal of the rejection is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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